

Assembly Bill No. 825

CHAPTER 478

An act to amend Sections 8284 and 9011 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 825, Blakeslee. Crab traps.

Existing law regulates the Dungeness and rock crab fisheries. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law regulates the size and features of traps that may be used to take Dungeness and rock crab, requires a crab taken with a crab trap used for the other crab species to be returned to the waters from which it was taken, and prohibits possession of both species aboard any vessel when the vessel is being used to take either rock crab or Dungeness crab.

This bill would permit the incidental take of rock crab with a Dungeness crab trap, and of Dungeness crab with a rock crab trap, during the season when both species may lawfully be taken, subject to specified existing law. The bill would delete the prohibition against possession of both species aboard a vessel.

The bill would require the Department of Fish and Game to submit a specified report to the Legislature by January 1, 2013.

The people of the State of California do enact as follows:

SECTION 1. Section 8284 of the Fish and Game Code is amended to read:

8284. (a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Except as provided in Section 9011 or subdivision (c), any other species taken incidentally in a crab trap being used to take rock crab, shall be immediately released back to the water.

(c) The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in Districts 19 and 118.5:

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs other than of the genus *Cancer*, except as provided in Section 9011.

SEC. 2. Section 9011 of the Fish and Game Code is amended to read:

9011. (a) (1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, Dungeness crab, as defined in Section 8275, may be taken with Dungeness crab traps.

(2) A Dungeness crab trap may have any number of openings of any size. However, every Dungeness crab trap shall have at least two rigid circular openings of not less than $4\frac{1}{4}$ inches, inside diameter, on the top or side of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap.

(3) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab may be taken incidentally with a Dungeness crab trap used pursuant to this subdivision to take Dungeness crab, provided that the incidental taking occur only during the season when it is lawful to take both species. A rock crab, taken incidentally with a Dungeness crab trap, that does not comply with Article 6 (commencing with Section 8275) of Chapter 2 shall be immediately returned to the waters from which it was taken.

(b) (1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab, as defined in Section 8275, may be taken with rock crab traps.

(2) A rock crab trap may have any number of openings of any size. However, a rock crab trap constructed of wire mesh with an inside mesh measurement of not less than $1\frac{7}{8}$ inches by $3\frac{7}{8}$ inches, with the $3\frac{7}{8}$ inch measurement parallel to the floor, shall have at least one rigid circular opening of not less than $3\frac{1}{4}$ inches, inside diameter, located on any outside wall of the rearmost chamber of the crab trap and shall be located so that at least one-half of the opening is in the upper half of the trap. Rock crab traps constructed of other material shall have at least two rigid circular openings of not less than $3\frac{1}{4}$ inches, inside diameter, on the top or side of the rearmost chamber of the trap. If both of the openings are located on the side of the trap, at least one of the openings shall be located so that at least one-half of the opening is in the upper half of the trap. No rigid circular opening, as required, shall extend more than $\frac{1}{2}$ inch beyond the plane of the wall side or top of the trap in which it is located, and it shall be clearly accessible to any crab which may be in the trap.

(3) Subject to Article 6 (commencing with Section 8275) of Chapter 2, Dungeness crab may be taken incidentally with a rock crab trap used pursuant to this subdivision to take rock crab, provided that the incidental taking occur only during the season when it is lawful to take both species. A Dungeness crab, taken incidentally with a rock crab trap, that does not comply with Article 6 (commencing with Section 8275) of Chapter 2 shall be immediately returned to the waters from which it was taken.

(4) A person shall not possess any lobster aboard a vessel while the vessel is being used pursuant to this subdivision to take rock crab.

(c) On or before January 1, 2013, the department shall report to the appropriate policy and fiscal committees of the Legislature the impacts, if any, of the changes made to this section by the enactment of Assembly Bill 825 at the 2009–10 Regular Session of the Legislature. The report shall include information about citations issued pursuant to this section relating to both rock crab and Dungeness crab for the years 2010 to 2012, inclusive.

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